IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Crl.MC.No. 3443 of 2007()

CRIME NO.149 OF 2006 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM

.....

PETITIONER: ACCUSED NOS 1 & 2

---

1. PREMAKUMARI, AGED 43 YEARS,
D/O.JYOTHISHMATHI, PUTHENVEETTIL,
MANCHAVILAKOM, KOLLAYIL VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

2. SATHEESH KUMAR, AGED 31 YEARS,
S/O.BABU, PALLICKAL HOUSE, ARUVIKKARA
VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, NEMOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3443 of 2007

Dated this the 27th day of November, 2007

O R D E R

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007 (1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of Crime No.149 of 2006 of Nemom Police Station, Thiruvananthapuram District is hereby quashed.

(R.BASANT, JUDGE)

rtr/-